

MEMORANDUM



TO: Development Review Committee

FROM: Joseph Haberman, Planner
Andrew Omer Trivette, Senior Biologist

RE: Proposed Land Use District and Future Land Use Map Amendments

MEETING DATE: July 11, 2006

I. REQUEST:

Applicant / Agent: The Craig Company

Property Owners: Kieran & Gerri Mahoney

The applicant is seeking a Land Use District Map amendment and a Future Land Use Map amendment:

Existing Future Land Use Map (FLUM) Designation: Residential Medium (RM)

Proposed Future Land Use Map (FLUM) Designation: Mixed Use / Commercial (MC)

Existing Land Use District (Zoning) Designation: Improved Subdivision (IS)

Proposed Land Use District (Zoning) Designation: Mixed Use (MU)

The applicant is seeking the amendments in order to construct a new two-story building on the subject property. The first level would consist of nonresidential floor area, intended for a bank and real estate office. The second level would consist of residential floor area, intended for affordable housing.

Location:

The subject property is located on Sugarloaf Key, near MM 17 of US Highway 1. It consists of two (2) contiguous parcels, having Real Estate Numbers 00163011.000100 (Northern parcel) and 00163011.000200 (Southern parcel). The subject property is situated at the juncture of US Highway 1 and Sugarloaf Boulevard (State Road 939). It is bounded by US Highway 1 to the North, Sugarloaf Boulevard to the West, a developed residential property to the South/Southeast and Tarpon Canal to the East/Northeast.

Both parcels are within Section 03, Township 67 and Range 27 of Monroe County, Florida. Parcel RE 00163011.000100 is legally described as TRACT A REPLAT LOTS 1 & 2

1 SUGARLOAF SHORES PB7-33. Parcel RE 00163011.000200 is legally described as TRACT
2 B REPLAT LOTS 1 & 2 SUGARLOAF SHORES PB7-33.

3 4 **II. PRIOR COUNTY ACTIONS:**

5
6 The request was reviewed by the Development Review Committee on June 13, 2006. Staff
7 motioned that the item be continued at the committee meeting on July 11, 2006 in order to
8 provide the applicant with more time to submit additional information.
9

10 **III. PROPERTY INFORMATION:**

11
12 **Property Size:** 44,142 ft² (1.01 acres)

13 14 **Existing Use and Conditions:**

15
16 Currently, the subject property is unused and vacant, having no buildings or structures. A large
17 portion of the property's interior has been cleared and surfaced with gravel.
18

19 **Existing Habitat and Vegetation:**

20
21 The current site conditions can be described as disturbed with wetland fringe along the
22 waterfront property lines and native upland vegetation along Sugarloaf Boulevard.
23

24 **Community Character of the Immediate Vicinity:**

25
26 Most of the neighboring properties in the area, including the subdivision of Sugarloaf Shores, are
27 zoned and subdivided for residential use. The areas to the Southwest, South, Southeast and East
28 of the subject property are within an Improved Subdivision (IS) District. The area to the
29 Northeast, across Tarpon Canal, is within a Sub Urban Residential (SR) District. The area to the
30 North, Northwest and West, across US Highway 1, is within a Destination Resort (DR) District.
31

32 No properties in the immediate vicinity are designated as Mixed Use (MU). However, Sugarloaf
33 Lodge, a mixed use development including transient residential and commercial uses, is located
34 to the North. In addition, there are several properties along US Highway 1 that are designated as
35 Suburban Commercial (SC); however, none are contiguous or adjacent to the subject properties.
36

37 **IV. STAFF REVIEW OF THE APPLICATION**

38 39 **Land Use and Zoning History:**

40
41 The two subject parcels were platted in 1951 as part of Sugarloaf Shores (refer to PB2-158).
42 They were replatted in 1983 as part of a replat for a portion of lots 1 and 2 within Sugarloaf
43 Shores (refer to PB7-33).
44

1 The original 1951 plat of Sugarloaf Shores shows the subject property as being part of an area
2 designated as a hotel site. The hotel site was comprised of three parcels, including the two
3 subject parcels. The replat in 1983 eliminated the hotel designation and the third parcel has since
4 been developed with a single-family residence.

5
6 *Pre-1986 Zoning:*
7

8 Both properties were zoned for residential use prior to the 1986 adoption of the Land
9 Development Regulations (LDRs). The property's pre-1986 zoning was RU-1 (Single-Family
10 Residential District). The RU-1 district was intended to provide suitable areas for single-family
11 dwellings, allowing residential, park and accessory uses as principal uses. The RU-1 District
12 prohibited multi-family residential and commercial uses.

13
14 *Considerations during the 2010 Comprehensive Plan Process:*
15

16 The land use designation was changed to Improved Subdivision (IS) in 1986 with the adoption of
17 the LDRs. The subject parcels were given the Future Land Use Map (FLUM) designation of
18 Residential Medium (RM) in 1997 when the FLUM was adopted.

19
20 *Boundary Changes since 1986:*
21

22 No recorded boundary changes were found for the subject property.
23

24 **Analysis and Rationale for Change:**
25

26 Pursuant to Sec. 9.5-511(d)(5)(b) of the Monroe County Code (MCC), the Board of County
27 Commissioners may consider adopting an ordinance to enact map amendments based on one or
28 more of the following factors:
29

30 *Changed Projections:*
31

32 The applicant asserts that under the current and future land use designations, the area has seen
33 considerable residential development and that the proposed land use designations will permit the
34 subject property to be developed with a low to medium intensity commercial use in addition to
35 an affordable housing residential component. The applicant believes that the residential nature
36 of the site will be retained and that the commercial component of the development is integral to
37 the economic feasibility of the project.
38

39 Referring to public service needs, the applicant has expressed interest in developing the subject
40 property as a new location for two existing businesses, First State Bank and Century 21 Realty.
41 The applicant believes that the subject property would be a more suitable and safer site for the
42 bank than its current and nearby Sugarloaf Key location at 17085 Overseas Hwy, across US
43 Highway 1 to the North of the subject property.
44

1 According to the Flood Insurance Rate Map (FIRM) for the area, both locations are within the
2 AE (EL 11) flood zone. However, the applicant maintains that the subject property is further
3 away from the VE flood zone (coastal flood zone with velocity hazard) than the bank's current
4 location and that relocating the bank to the subject property could alleviate some of the problems
5 associated with flooding and thereby mitigate against some of the adverse impacts to the
6 community. The applicant asserts that several members of the community rely upon the bank
7 and that the nearest locations outside of Sugarloaf Key are on Summerland Key to the North and
8 Key West to the South.

9
10 *Changed Assumptions:*

11
12 The applicant asserts that the requested change reflects the original intent of the site, as it was
13 designated as a hotel site when it was originally platted in the 1950s. In addition, the applicant
14 believes that the proposed Mixed Use (MU) designation better reflects the current demographic
15 trend, as it appears that Sugarloaf Shores is nearly built-out.

16
17 *Data Errors:* None found.

18
19 *New Issues:*

20
21 The owner of the current First State Bank building has indicated that the building will be
22 demolished in eighteen months. In order to continue to provide service directly to the Sugarloaf
23 community, the bank needs to find a new location.

24
25 *Recognition of a Need for Additional Detail or Comprehensiveness:* None.

26
27 *Data Updates:* None.

28
29 **Impact and Policy Analysis:**

30
31 *Development Potential under Current Land Development Regulations (LDRs):*

32
33 MCC Sec. 9.5-213 states that the purpose of the Improved Subdivision (IS) District is to
34 accommodate the legally vested residential development rights of owners of lots in subdivisions
35 that were lawfully-established and improved prior to the adoption of the LDRs.

36
37 Policy 101.4.3 of the Monroe County Year 2010 Comprehensive Plan states that the purpose of
38 the Residential Medium (RM) land use category is to recognize those portions of subdivisions
39 that were lawfully-established and improved prior to the adoption of the plan. Development on
40 vacant land within this land use category shall be limited to one residential dwelling unit for each
41 platted lot or parcel which existed at the time of plan adoption.

42
43 The FLUM designation of Residential Medium (RM) corresponds with the Improved
44 Subdivision (IS) designation.

1 The proposed mixed use development may not be permitted under the current standards of the
2 Improved Subdivision (IS) District. In the IS District, attached residential dwellings are not
3 permitted and commercial retail, of low and medium intensity, is permissible only with major
4 conditional use approval and when the site meets certain criteria.

5
6 Pursuant to MCC Sec. 9.5-242(d)(1), in the IS District, with major conditional use approval,
7 commercial retail of low and medium-intensity and office uses, or any combination thereof, of
8 less than twenty-five hundred square feet of floor area may be permitted, provided that: the
9 parcel of land abuts the right-of-way of US Highway 1; the structure is located within two
10 hundred feet of the centerline of US Highway 1; the commercial retail use does not involve the
11 sale of petroleum products; the commercial retail use does not involve the outside storage or
12 display of merchandise; there is no direct access to US Highway 1 from the parcel of land; the
13 structure is separated from US Highway 1 by a class C buffer-yard; and no signage other than
14 one identification sign of no more than four square feet shall be placed in any yard or on the wall
15 of structure except for the yard or wall that abuts the right-of-way of US Highway 1.

16
17 Pursuant to MCC Sec. 9.5-242, detached residential dwellings may be permitted as-of-right.
18 However, pursuant to MCC Sec. 9.5-262, the subject property is limited to one residential
19 dwelling unit for each platted lot or parcel which existed at the time of the adoption of the LDRs.
20 Attached residential dwellings are not be permitted in the IS District.

21
22 Therefore, commercial retail, if considered low or medium intensity, and single-family
23 residential development may be permitted under the existing land use district designation.

24
25 *Development Potential with the Proposed Map Amendments:*

26
27 MCC Sec. 9.5-219 states that the purpose of the Mixed Use (MU) District is to establish or
28 conserve areas of mixed uses, including commercial fishing, resorts, residential, institutional and
29 commercial uses, and preserve these as areas representative of the character, economy and
30 cultural history of the Florida Keys.

31
32 Policy 101.4.5 of the Monroe County Year 2010 Comprehensive Plan states that the principal
33 purpose of the Mixed Use/ Commercial (MC) land use category is to provide for the
34 establishment of commercial zoning districts where various types of commercial retail and office
35 may be permitted at intensities which are consistent with the community character and the
36 natural environment. The land use category is intended to allow for the establishment of mixed
37 use development patterns, where appropriate.

38
39 The FLUM designation of Mixed Use / Commercial (MC) corresponds with the proposed Mixed
40 Use (MU) designation.

41
42 The proposed mixed use development could be permitted under the current standards of the
43 Mixed Use (MU) District. Pursuant to MCC Sec. 9.5-248, in the MU District, attached
44 residential dwellings involving less than six (6) units and designated as employee housing may
45 be permitted as-of-right. In addition, commercial retail, of low and medium intensity, involving

1 less than twenty-five hundred (2500) square feet may be permitted as-of-right and commercial
2 retail, of high intensity, involving less than twenty-five hundred (2500) square feet may be
3 permitted with minor conditional use approval.
4

5 **Compatibility with Neighboring Land Uses and Effects on Community Character:**

6

7 The community character of the Sugarloaf Shores subdivision is single-family residential. To
8 the North of the subject property, across US Highway 1, is the Sugarloaf Lodge property which
9 is a mixed use development consisting of a hotel, restaurant, marina, post office, and commercial
10 retail stores. It is also the current location of First State Bank and Century 21 Realty.
11

12 MCC Sec. 9.5-511 maintains that amendments may not permit a change in community character.
13 The character of the immediate vicinity is predominately low density, single-family residential.
14

15 In addition, Objective 101.20 of the Year 2010 Comprehensive Plan asserts that Monroe County
16 shall address local community needs while balancing the needs of all Monroe County
17 communities. These efforts shall focus on the human crafted environment and shall be
18 undertaken through the Livable CommuniKeys Planning Program. At this time, no Livable
19 CommuniKeys Plan including Sugarloaf Key has been adopted.
20

21 *Density and Intensity:*

22

23 The two subject parcels are a combined 44,142 ft² (1.01 acres) in size. Deducting the 8,828 ft² of
24 required open space, there is 35,314 ft² (0.81 acres) of buildable area. The applicant is proposing
25 to build a two-story building with approximately 2,500 feet of nonresidential floor area on the
26 first floor and two affordable housing units on the second floor.
27

28 Pursuant to MCC Sec. 9.5-269, in the MU District, the maximum Floor Area Ratio (FAR) for
29 low intensity commercial retail is 0.35; for medium intensity commercial retail is 0.25; and for
30 high intensity commercial retail is 0.15. Without a traffic study for the proposed development,
31 the Monroe County Traffic Consultant was unable to provide a determination of intensity for the
32 proposed use.
33

34 Pursuant to MCC Sec. 9.5-262, the MU District allows up to eighteen (18) affordable housing
35 dwelling units per buildable acre.
36

37 For the subject property, the maximum allowable nonresidential floor area if developed only
38 with low intensity commercial retail is 15,449 ft²; if developed only with medium intensity
39 commercial retail is 11,035 ft²; and if developed only with high intensity commercial retail is
40 6,621 ft². Without the commercial development, the maximum allowable number of affordable
41 housing dwelling units is fourteen (14) units.
42

43 Based on the total nonresidential floor area and dwelling units (per the applicant's written
44 description) and assumptions regarding intensity (low medium or intensity), under the proposed

1 MU District designation, the development as proposed would be in compliance with the LDRs in
2 regards to FAR and residential density.

3
4 *Local Traffic and Parking:*

5
6 Local roads are already in place and are well maintained. However, US Highway 1 is required to
7 maintain a level of service (LOS) of “C” in order to support additional development. The 2005
8 U.S. 1 Arterial Travel Time and Delay Study for Monroe County indicates a LOS of “D” in 2005
9 at the entrance to Sugarloaf Boulevard (Segment 5, MM 16.5 to MM 20.5).

10
11 Under the current proposal, the bank and real estate office would be relocated from an existing
12 site in the same vicinity and traffic segment as the subject property. Therefore, it is possible that
13 no new trips will be generated and traffic volume will increase. However, this is assuming that
14 the site of the existing bank and real estate office is not commercially redeveloped and that the
15 new bank and real estate office do not attract additional customers.

16
17 Without a traffic study, the Monroe County Traffic Consultant was unable to provide comments
18 regarding any additional trips that may be potentially generated by the new development and if
19 access standards could be met.

20
21 **Effects on Natural Resources:**

22
23 Staff feels that the impact to natural resources as a result of this land use change will be in the
24 form of secondary impacts as a result of development. However, due to the location of the
25 property and the separation from potential habitat areas by waterways staff feels these impacts
26 will be negligible.

27
28 **Effects on Public Facilities:**

29
30 Objective 101.11 of the Year 2010 Comprehensive Plan requires the County to direct future
31 growth away from environmentally sensitive land and towards established development areas
32 served by existing public facilities. The subject property is served by existing public facilities.

33
34 *Solid Waste:*

35
36 Monroe County has a solid waste haul out contract with Waste Management Inc. that authorizes
37 use of the in-state facilities through September 30, 2016, thereby providing the County with
38 approximately 10 years of guaranteed capacity. The proposed amendments may affect solid
39 waste, but not significantly.

40
41 *Potable Water:*

42
43 In 2002, South Florida Water Management District approved an increase in Florida Keys
44 Aqueduct Authority’s Water Use Permit. Monroe County’s Public Facilities Capacity
45 Assessment Report indicates that there are over 100 gallons of water available per person per

1 day. The 100 gallons per person per day standard is commonly accepted as appropriate and is
2 reflected in Policy 701.1.1 of the Year 2010 Comprehensive Plan. The proposed amendments
3 may affect potable water, but not significantly.

4
5 *Stormwater:*

6
7 No increase in stormwater runoff is anticipated to result from this zoning change. MCC Sec.
8 9.5-293 requires that all developments retain stormwater on site following Best Management
9 Practices (BMP's).

10
11 **Effects on Redevelopment/Infill Potential:**

12
13 The subject property is vacant and has never been developed. Most of the surrounding properties
14 have been developed, mainly by residential development.

15
16 **V. FINDINGS OF FACT**

- 17
18 (1) MCC Sec. 9.5-511 (d)(5)(b) allows the Board of County Commissioners to consider
19 adopting an ordinance to enact map changes under six conditions: changed projections;
20 changed assumptions; data errors; new issues; recognition of a need for additional detail
21 or comprehensiveness; and data updates.
22
23 (2) The applicant initiated the map amendment process in order to rezone the subject
24 parcels to a land use district designation and future land use map designation that allow
25 mixed use development (consisting of commercial floor area and affordable housing).
26 Their proposal is based on changed projections and changed assumptions.
27
28 (a) Referring to changed projections in regards to public service needs, the applicant
29 is proposing to develop the subject property as a new location for an existing First
30 State Bank. The applicant asserts that subject property would be a more suitable
31 and safer site for the bank than its current Sugarloaf Key location.
32
33 (b) Referring to changed assumptions, the applicant asserts that the requested change
34 better reflects the current demographic trend, as it appears that Sugarloaf Shores
35 is nearly built-out with single-family development.
36
37 (3) The two subject parcels were platted in 1951 as part of the Sugarloaf Shores
38 subdivision. They were replatted in 1983 as part of a replat for a portion of Lots 1 and 2
39 within Sugarloaf Shores.
40
41 (4) The original 1951 plat of Sugarloaf Shores specifies that the subject property was part
42 of an area designated as a hotel site. The hotel site was comprised of three parcels,
43 including the two subject parcels. The replat in 1983 eliminated the hotel designation
44 and the third parcel has since been developed with a single-family residence.
45

- 1 (5) Prior to 1986, the subject property was zoned RU-1 (Single-Family Residential
2 District).
3
- 4 (6) During the 1986 Comprehensive Plan process, the land use district (zoning) of the
5 subject parcels was changed to Improved Subdivision (IS).
6
- 7 (7) The subject parcels were given the Future Land Use Map (FLUM) designation of
8 Residential Medium (RM) in 1997 when the FLUM was adopted. The RM designation
9 is consistent and corresponds with the current Improved Subdivision (IS) designation.
10
- 11 (8) The proposed mixed use development is not permissible under the current standards of
12 the Improved Subdivision (IS) District.
13
- 14 (9) Pursuant to MCC Sec. 9.5-242(d)(1), in the Improved Subdivision (IS) District,
15 commercial retail of low and medium-intensity of less than twenty-five hundred (2,500)
16 square feet of floor area may be permitted with major conditional use approval.
17
- 18 (10) US Highway 1 is required to maintain a level of service (LOS) of “C” in order to
19 support additional development. The 2005 U.S. 1 Arterial Travel Time and Delay
20 Study for Monroe County indicates a LOS of “D” in 2005 at the entrance to Sugarloaf
21 Boulevard (Segment 5, MM 16.5 to MM 20.5).
22
- 23 (11) MCC Sec. 9.5-511 maintains that map amendments may not permit a change in
24 community character. The character of the immediate vicinity is predominately low
25 density, single-family residential.
26
- 27 (12) Objective 101.11 of the Year 2010 Comprehensive Plan asserts that Monroe County
28 shall implement measures to direct future growth away from environmentally sensitive
29 lands and towards established development areas served by existing public facilities.
30 The subject property is within an established development area which is served by
31 existing public facilities.
32
- 33 (13) Objective 101.20 of the Year 2010 Comprehensive Plan asserts that Monroe County
34 shall address local community needs while balancing the needs of all Monroe County
35 communities. These efforts shall focus on the human crafted environment and shall be
36 undertaken through the Livable CommuniKeys Planning Program. At this time, no
37 Livable CommuniKeys Plan has been completed which included Sugarloaf Key.
38

39 If any map amendment is to be approved, it must be determined if the new standards
40 and permitted uses are appropriate for the subject property, not if the subject property
41 would be a suitable site for specific businesses. In the future, First State Bank and
42 Century 21 Realty may cease operations at the subject property and there will be little
43 control over which types of commercial activity replace the bank and real estate office.
44 The Livable CommuniKeys Plan process will determine if commercial activities and a
45 mixed use designation are appropriate at the location.

1
2 (a) Policy 101.20.1 states that each Community Master Plan will contain a
3 framework for future development and redevelopment of the community.
4

5 (b) Principle 8 of the Policy 101.20.1 states that each Community Master Plan will
6 include a community character element that will address the protection and
7 enhancement of existing residential areas and the preservation of community
8 character through site and building guidelines.
9

10 (14) Several surrounding property owners have expressed their opposition to the proposed
11 map amendments to Planning Department.
12

13 **VI. CONCLUSIONS OF LAW**

14

15 (1) The proposed map amendment does not sufficiently meet the criteria outlined in MCC
16 Sec. 9.5-511(d)(5)(b).
17

18 (a) In response to the applicant's assertion concerning changed projections, there are
19 other properties on Sugarloaf Key that currently have the land use district and
20 future land use map designations that would permit this type of mixed use
21 development and would also serve as a suitable site for a First State Bank and/or
22 Century 21 Realty.
23

24 (b) In response to the applicant's assertion concerning changed assumptions, ever
25 since zoning was first implemented in the 1960s, the subject parcels have had a
26 residential designation. In addition, although the subject parcels were originally
27 designated as a hotel site in 1951 plat, they were platted as part of a residential
28 subdivision and hotel uses are considered transient residential uses.
29

30 (2) Pursuant to MCC Sec. 9.5-511, community character may not be altered by an
31 amendment. The proposed map amendments may have a negative impact on the single-
32 family residential character of the immediate vicinity. It would be difficult to shield
33 existing residential development on neighboring properties from some of the adverse
34 impacts resulting from a commercial development.
35

36 (3) The applicant has not sufficiently shown that the requested map amendments would be
37 consistent with the overall intent of the Year 2010 Comprehensive Plan.
38

39 (a) It would be inconsistent with Objective 101.20 of the Year 2010 Comprehensive
40 Plan and premature at this time to approve the proposed map amendments until a
41 Community Master Plan is adopted for Sugarloaf Key that provides a framework
42 for the future development of the community.
43

44 (b) Principle 8 of the Policy 101.20.1 states that each Community Master Plan will
45 include a community character element that will address the protection and

1 enhancement of existing residential areas and the preservation of community
2 character through site and building guidelines. Without a Community Master
3 Plan, the issue of what existing residential areas to protect has not been addressed.
4

5 **VII.RECOMMENDED ACTION**
6

7 Based on the Findings of Fact and Conclusions of Law, Planning and Environmental Resources
8 Staff recommend DENIAL to the Development Review Committee of the proposed Land Use
9 District amendment and Future Land Use Map amendment.